

Hearing Officer Second Report and Recommendation

The hearing officer previously issued a Report and Recommendation on February 22, 2009. At its March 11, 2009 meeting, the Board voted to remand the matter to the hearing officer for further consideration and instructed the hearing officer to visit the site with all parties present and to report back the unsafe conditions.

Due to scheduling difficulties, the parties were not able to meet at the site. The hearing officer scheduled a time that all parties had said they could attend, but at the last minute the parents cancelled the meeting and said that they could not attend unless the visit was between 9:00 and 1:00. The hearing officer understood the Board's order to require a site visit at a time that the bus was picking up or dropping off, so a visit at those times would not provide the Board the information it was looking for.

Ed Murdough from the Department was able to make two site visits on his own. One during the morning and one during the afternoon. The reports from those visits are attached. Those site visits report the traffic at those times and it is the traffic combined with the lack of a walkway to the bus stop that I view as the unsafe conditions. Mr. Murdough's reports note that the student would encounter twelve vehicles on her way to the bus stop in the morning and sixteen vehicles during her walk from bus stop in the afternoon. The pictures taken by Mr. Murdough show some clearing on the side of the road for the student to walk, but not much, and that clearing is not present during the winter months as it is full of snow banks. As a result, the student would be required to walk on the road itself. Mr. Murdough notes that some of the vehicles on the road are big, commercial vehicles, including dump trucks and buses. The dump trucks were speeding. These bigger vehicles take up more space on the road and give the student even less space to walk.

In response to Mr. Murdough's reports, the Commissioner sent a letter to the hearing officer and the parties noting that based on the reports he now considers the stop to be unsafe. The letter is attached to this report.

Based on the reports and commissioner's letter, the school district sent an email to the hearing officer stating as follows:

The Sanborn Regional School District submits the following data and information relative to the Duval bus stop matter.

1. It was our understanding that there was to be a common meeting of all parties at the bus stop and related area on Hunt Road. This has not occurred.
2. On two separate occasions, I conducted traffic flow density studies in the am the numbers were 9 cars and 11 cars in a ½ hours period, in the pm the numbers were 11 and 12 cars in a ½ hour period. These are considerable different than Mr. Murdough's studies.
3. Across the last decade, there has never been an accident in this area surrounding the Morning Dove bus stop.

4. If this is truly a traffic safety issue, will the Sanborn Regional School district be treated in an equitable manner to other school district. There are traffic stops of other neighboring school district on Rt. 125, Rt. 111 and Route 121 and 121a that have heavier volumes of traffic than Hunt Road. We request that we be treated in an equitable manner.
5. We attempt to ensure that are stops are safe and have a good sight line but like most school districts we have many rural roads and face significant challenges in meeting the standard of having sufficient sight lines and significant road shoulders.

In balancing the risks against the costs of reducing the risk, there seems to be a fairly high level of traffic that the student will encounter on a daily basis which is made worse in the winter when the snow banks encroach on the road and when the traffic is speeding. As a result, there is a risk that the student will be harmed by the traffic on the way to or from the bus stop. Additionally, if she were harmed, the damage to her would likely be severe. In other words, people who are hit by cars, generally do not incur minor injuries. The cost to eliminate the risk appears to be negligible because the bus already drives by the student's house on the way to and from school, so it would just be a matter of stopping at the house to let the student get on or off the bus. Given the low cost to eliminate the risk and high benefit of doing so, I would recommend that the bus stop at the student's house.

In responding to the school district, I note that the school's information does not indicate if the traffic flow observation was done at the time the bus picks up or drops off, and it is possible that traffic fluctuates from day to day. In terms of other stops and busier roads, those matters are not before me and make my recommendation based on the specific circumstances in this case.

5/20/09
Date

Scott F. Johnson
Hearing Officer